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C O N F I D E N T I A L SECTION 01 OF 05 COLOMBO 000199

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DEPARTMENT FOR SCA/INS

E.O. 12958: DECL: 02/25/2018  
TAGS: PGOV PTER PHUM PREL MOPS CE

SUBJECT: SRI LANKA: LOCAL GOVERNMENT ELECTIONS IN EAST FACE  
DIFFICULT CHALLENGES

REF: A. COLOMBO 0113  
1B. COLOMBO 0055

Classified By: Ambassador Robert O. Blake, Jr. Reasons: 1.4 (b, d)

11. (C) SUMMARY: The GSL's plan of holding local government elections in nine constituencies in Batticaloa faces many challenges. Interlocutors from a variety of political parties and civil society organizations believe that holding a credible, free and fair election will be difficult, given the climate of intimidation created by the operations of government-backed anti-LTTE Tamil paramilitaries in the East. Many are convinced that the government wants to use the local elections to provide a degree of legitimacy for its allied paramilitaries, notably the TMVP (the political wing of the Karuna or Pillaiyan group). Several opposition parties have decided not to contest the polls because they are resigned to the idea that these paramilitaries, masquerading as political parties, will win the upcoming elections. However, the GSL has encouraged the paramilitaries to lay down arms during the election and is providing police security for candidates who request it. More than 800 candidates are standing for election to 101 local council seats. They belong to a variety of political groupings, including the President's Sri Lanka Freedom Party and the TMVP, an alliance of three other paramilitaries (EPDP, EPRLF, and PL OTE), the Sri Lankan Muslim Congress, government-allied Muslim parties, as well as several independent local groups. According to several reports, the level of pre-election violence and intimidation has subsided in recent weeks. Some NGOs have abandoned the idea of providing independent monitoring, but one local civil society group is organizing to observe the elections with help from an international NGO. While the significance of these local elections is limited, their success or failure will set an important precedent for future provincial council or parliamentary contests. Tamils and Muslims in Sri Lanka will be watching the evolution of the situation in the East closely. Their perceptions on the outcome of these local contests will have a significant impact on the government's efforts to win over the minorities and

persuade them that their future lies in a united Sri Lanka. End Summary.

¶12. (C) The GSL continues to prepare for March 10 local elections in Batticaloa District. The elections, in Batticaloa municipality and in formerly LTTE-controlled areas liberated last year by the SL military, have been rescheduled multiple times because of security concerns. These are the last set of local elections to be held in the Eastern province, since local elections in Ampara and Trincomalee districts, as well as the parts of Batticaloa previously under government control, were completed in April 2006. More than 800 candidates are standing for election to 101 local council seats. The ruling Sri Lanka Freedom Party (SLFP), running as the United People's Freedom Alliance (UPFA), and several anti-LTTE Tamil paramilitary groups have registered candidates. Despite the government's initial denials, the UPFA and the TMVP will jointly contest the Batticaloa Municipal Council election -- a clear indication that the government intends for the TMVP to be its partner in the East. Elsewhere, the TMVP is running on its own. Three other anti-LTTE Tamil paramilitaries, whose traditional bases are in Jaffna and Mannar in the North, the EPDP, EPRLF, and PLOTE, have formed an alliance to compete with the TMVP. The opposition Sri Lankan Muslim Congress, government-allied Muslim parties, as well as several local groups and independent candidates are also running in particular constituencies.

#### PARAMILITARIES A BARRIER TO FREE AND FAIR ELECTIONS

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¶13. (C) Interlocutors from a variety of political parties and civil society organizations agree that it will be difficult to hold free and fair local elections in Batticaloa because of the GSL's electoral alliance with government-backed paramilitaries in the Eastern province. A number of Embassy contacts have independently reported on the general state of lawlessness and violence in Batticaloa, including as many as one to two killings per day and some rapes of women and girls by armed men. The consensus of local observers is that the President's SLFP would like to see the TMVP perform well in the elections to lend the TMVP a degree of legitimacy and to provide the government a pliable ally in the East.

¶14. (C) Paikiasothy Saravanamuttu, executive director of the Center for Policy Alternatives (CPA), told poloff that there is "no chance for a free and fair election in Batticaloa." On February 21, the CPA announced that it is withdrawing from monitoring Batticaloa elections. CPA sources reportedly said that just and fair elections cannot be conducted under the current situation and that it will not be possible to independently monitor the elections. However, CPA has agreed to publish a report on incidents of election violence in the district one week before and one week after the elections. Jehan Perera, executive director of the National Peace Council, concurred that there was "no realistic scenario for a free and fair election" in Batticaloa. Perera believed rigging would be rampant because the TMVP and EPDP continued to enjoy GSL support. He also thought that the GSL was determined to have government-allied paramilitaries win the election in order to consolidate the government's hold over the area.

#### MONITORING ORGANIZATIONS BOWING OUT

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¶15. (SBU) On February 18, the Centre for Monitoring Election Violence (CMEV, which is associated with the CPA) issued a report on the ground situation. CMEV noted that a total of 270,041 voters are eligible to vote in 285 polling stations. The report chronicled election-related violence

through January, determining that "the continuing trend of paramilitary activity, reports of abduction, extra-judicial execution, intimidation and extortion attributed to 'unidentified armed men' and the inability of the law enforcement agencies to pursue investigations...have all created an environment of fear and insecurity in the District." CMEV reported that as of February 13, the Police Department reported receiving a total of 18 complaints of election-related violence, of which some are minor incidents. CMEV, however, said that levels of intimidation are so high that many incidents of coercion likely go unreported. CMEV said that because "the situation on the ground is not conducive to the conduct of a free and fair election," the organization will not monitor the Batticaloa District elections "in the same manner as it has in the past." Rather, CMEV will "support several independent mobile observation initiatives in selected areas" in the district, one week in advance of elections and a few days after.

¶6. (C) Embassy contacts have reported TMVP's involvement in pre-election violence. A volunteer teacher in Santhiveli village was killed on January 8 after refusing several TMVP attempts to persuade him to run as a TMVP candidate. Similarly, on January 10 a lab technician at a local girls' school was killed in his home after refusing to run for office on a TMVP ticket. Many of those compelled to contest are simple working people with no experience or education in managing local councils. The main opposition UNP alleged in Parliament on February 6 that 68 persons, including twelve candidates, had been abducted in Batticaloa district since the announcement of

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elections in mid-January. Some groups doubted that neutral observers would be able to operate effectively in the East and help ensure a fair election. Bernadette Castel of UNHCR told poloff that even though some NGO workers are being allowed into Batticaloa, they are subject to physical intimidation by the TMVP and EPDP, thereby limiting their ability to observe the election.

GOVERNMENT TAKES SOME STEPS TO REIN IN ARMED GROUPS

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¶7. (C) However, Defense Secretary Gothabaya Rajapaksa told Ambassador and DCM on February 9 that the GSL told the TMVP that they "may not carry guns openly and intimidate people." Gothabaya said the GSL will provide security to the candidates so that they will not need to carry arms. Embassy subsequently confirmed that each contesting candidate has been promised two police guards. So far, about 250 out of the 813 candidates (for 101 positions) have requested police protection. Some candidates report that they do not want police security, fearing it will make them more likely targets for attacks, perhaps by the LTTE. On February 24, a presumed LTTE suicide cadre on a bicycle blew himself up, also killing two TMVP candidates on a motorcycle who were on their way to a political rally (septel).

¶8. (C) The local civil society group People's Action for Free and Fair Elections (PAFFREL) is organizing to provide independent election monitoring with help from expatriates of the international NGO Non-Violent Peace Force (NVPF). PAFFREL made a two day fact-finding visit to Batticaloa on February 2 and 3, meeting with election officials, police, religious leaders and civil society. PAFFREL reported that violence and election malpractice may "surface as the election campaign gathers momentum." PAFFREL noted that four thousand government officials will be involved in the election process and will overlook 285 polling stations. PAFFREL reported subsequently that the TMVP has pledged to "give their fullest support to the conduct of free and fair elections." According to PAFFREL, the TMVP has decided to lay down arms "in view of the forthcoming polls" and hoped

to "gain democratic legitimacy" through the election. Other observers remarked that the violence in this election was less than in some previous Sri Lankan elections, noting that "the TMVP doesn't flaunt arms in the open these days."

¶9. (C) Nonviolent Peace Force country director Roland Roescheisen told Ambassador and AID director on February 15 that NVPF has long experience in election monitoring around the world. For the March 10 local council elections, they have already deployed 7 election monitors, working closely with PAFFREL. Roescheisen said PAFFREL will have two election observers at each ballot box for the March 10 elections. NVPF will work with PAFFREL to monitor the voting and ballot collecting processes. The two organizations are still working out procedures for monitoring ballot counting. Roescheisen also briefed on the evolving security situation in Batticaloa, confirming press reports and PAFFREL assessments that levels of pre-election violence in Batticaloa have diminished and that the security situation had become quieter generally. He said the NVPF had met with the TMVP in Batticaloa and that the TMVP had confirmed that they are no longer carrying weapons since the police have now offered each of the candidates security.

¶10. (C) Note: Some trusted sources and senior diplomats from other foreign missions have expressed skepticism about PAFFREL, saying that its head, Kingsley Rodrigo, is close to the government and will find a way to assess the elections as free and fair after they are over. However, Embassy is confident that NVPF will be deeply reluctant to lend its name to something it sees as flawed and will

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insist on a balanced statement on the election outcome.

SOME FEEL PARTICIPATION MEANINGLESS

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¶11. (C) PAFFREL has expressed concern that the decision of key opposition parties not to contest, in large part because of the security conditions, limits voters' choices and raises questions about the legitimacy of the elections. The main opposition UNP, the Sinhalese nationalist JVP, and main Tamil opposition TNA did not nominate candidates during the January registration window. UNP MP Sajith Premadasa told poloff that the UNP decided to forego the elections because it did not see the point in participating in a "rigged" election. However, the UNP and JVP may well have based their decision partly on the fact that they have traditionally had few supporters in the area. JVP General Secretary Tilvin Silva acknowledged to Embassy that achieving "100% democracy" would be hard with paramilitaries operating in the area and that the party had therefore decided not to contest the elections. Silva said that the JVP was contemplating slowly increasing its political activities in Batticaloa to begin to make inroads into an area where the JVP historically had not prospered.

TAMIL NATIONAL ALLIANCE SITS THIS ONE OUT

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¶12. (C) The TNA swept the Tamil-dominated eastern constituencies in the last parliamentary election in 2004. This time, TNA parliamentarians unanimously agreed to boycott the local elections, in part because of fears that the government would not assure their security. The TNA's fears for the safety of their candidates appears well-founded, and they appear to have concluded that the stakes in these local elections are not high enough to justify the risk. The TNA filed a case in Supreme Court (SC) seeking injunctive relief to block the election on the grounds that the election should not proceed, given the poor security situation. However, the SC on January 21 ruled against the TNA. According to Bhavani Fonseka(

protect), legal expert at the Center for Policy Alternatives, the SC ruled that the TNA had not met the burden of proof for such a strong judicial intervention. The SC left the door open for further litigation after the election. But Fonseka opined that the threshold for evidence that any election at this time would necessarily be flawed was extremely high. Meeting this threshold - including, for example, obtaining signed affidavits from local citizens - would be difficult because of the fear of retribution by government-backed paramilitaries.

¶13. (C) Some of the candidates the TMVP has forced to run under its symbol have come from the ranks of former TNA politicians. One source told us that of 22 candidates who contested the last local elections in these constituencies for the TNA, 11 are now running for the TMVP. In mid-February, over 100 leaflets were mailed from the Batticaloa post office on LTTE letterhead warning candidates not to campaign. "We have not given authority to the people to support the Mahinda Rajapaksa government. Those who support this government are traitors to the Tamils... The Eastern Province will be recaptured. All traitors and racists will be eliminated... Through threats you have been forced to contest. As much as possible, avoid contesting. If you find it unavoidable, please contact our cadres in your area and explain your situation."

#### VIOLENT TACTICS USED AGAINST MUSLIM CANDIDATES

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¶14. (C) Local media report that there have been an  
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increasing number of violent incidents against candidates of the Sri Lankan Muslim Congress (SLMC) by government-backed parties, especially in Valachchenai area. SLMC leaders complained that its supporters were attacked and three shops were set on fire. Though complaints have been made to law enforcement authorities, no action has been taken. Sri Lanka Muslim Congress MP Faizal Cassim told poloff that his party would contest the poll so as not to leave the paramilitaries and government-allied Muslim Parties an open field, but said the party had no illusions of winning their constituencies while the TMVP openly wielded arms.

¶15. (C) Sri Lankan analysts point out that the prospects for holding credible elections in Batticaloa could be strengthened if the government had independent institutions to help monitor and curtail the nefarious activities of the paramilitaries. The Constitutional Council, the body that appoints members to independent commissions, has been dormant due to the controversy over the appointment of a nominee representing minority political parties (septel). Press accounts quoted opposition leader Ranil Wickremesinghe as saying that the reactivation of the Constitutional Council could establish an independent Election Commission and Police Commission that could help ensure a peaceful poll.

¶16. (C) COMMENT: Many local contacts have made the point that holding elections is a low priority for most Batticaloa residents. What people there yearn for is an end to the culture of arms and weapons, the disarming of TMVP, assistance to IDPs, and voluntary, dignified resettlement. Post will continue to look at the situation critically before, during and after the elections and will consider carefully any public statements we make. Even imperfect monitoring is probably better than none. The GSL remains committed to pushing forward with elections and has made some headway in reducing violence and providing security for candidates. Still, there is much more needed for a "free and fair" environment than a relatively violence-free election day. It would not be constructive for the U.S. and other friends of Sri Lanka simply to

ignore that the elections are taking place, or reject the result out-of-hand as invalid. On the other hand, the international community should not appear to endorse a government-sponsored takeover of the East by armed militias. Ultimately, what will matter is the attitude of local Tamil and Muslim populations. If they believe themselves represented, albeit imperfectly, by the winners, it will help stabilize the region and prepare the ground for provincial council elections to be held later. However, if the majority in the affected areas view the results as illegitimate, it will set a poor precedent for the larger-scale democratization and transition to civilian administration that must follow, undermining the government's efforts to win over the minorities and persuade them that their future lies within a united Sri Lanka.

BLAKE